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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,963	04/17/2000	Mark McCulloch	41400-00002	1825

7590 11/26/2002

Wayne O Stacy Esq  
Jenkins & Gilchrist PC  
1445 Ross Avenue  
Suite 3200  
Dallas, TX 75202-2799

EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/550,963

Applicant(s)

MCCULLOCH, MARK

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 1-11, 32-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Specifically, the claims do not meet the Court's definition of a "statutory process." There is no treatment of materials such that subject matter is transformed and reduced to a different state. The claims contain no apparatus of any sort and are therefore, not in the technological arts and non-statutory.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "electronic signal of claim 29" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 12, 27-29, 31-32, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garback (5,237,499) in view of DeLorme et al (5,948,040).

As per Claim 1.

Garback ('499) discloses:

receiving an activity indicator and a venue file containing data related to the activity, see figure 3 (73 and 77) and column 5, line 63 - column 6, line 30;

identifying at least a first airport, the first airport being within a first threshold measurement of the activity location, see figure 5 (LAX, DTW) and column 6, lines 17-40;

identifying at least a first departing flight associated with the first airport, the identified flight associated with a flight arrival time and a first departing flight being at least between the origin location and the first airport, figure 5 (LAX, DTW) and column 6, lines 17-40

wherein the flight arrival time of the at least first identified departing flight is prior to the activity start time, see figure 5 (Arriving) and column 6, lines 17-40.

Garback ('499) does not specifically disclose the venue file including an activity location and an activity time.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, see figure 1C (167) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include location and time as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 12.

Garback ('499) discloses:

a processor, a storage device connected to the processor, the storage device storing instructions executable by the processor, and a plurality of instructions stored on the storage device, see column 5, lines 1-40;

identifying at least a first airport, the first airport being within a first threshold measurement of the activity location, see figure 5 (LAX, DTW) and column 6, lines 17-40;

identifying at least a first departing flight associated with the first airport, the identified flight associated with a flight arrival time and a first departing flight being at least between the origin location and the first airport, figure 5 (LAX, DTW) and column 6, lines 17-40

wherein the flight arrival time of the at least first identified departing flight is prior to the activity start time, see figure 5 (Arriving) and column 6, lines 17-40.

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Garback ('499) does not specifically disclose the venue file including an activity location and an activity time.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, see figure 1C (167) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include location and time as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 27.

Garback ('499) discloses:

a processor, a storage device, a second storage device connected to the processor and a plurality of instructions, see column 5, lines 1-40;

identifying a plurality of transportation options, see figure 2A (46);

reserving a first of the plurality of transportation options, see figure 2A (49).

Garback ('499) does not disclose the transportation options arrive at the activity location prior to the activity time.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, see figure 1C (167) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to identify transportation options which arrive at the activity location before the activity time as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 28.

Garback ('499) further discloses a system for making transportation and lodging reservations.

Garback ('499) does not disclose the activity location is a cargo destination and the activity time is a cargo arrival time.

This limitation is seen to be non-functional descriptive material which will not distinguish the invention from the prior art in terms of patentability, see *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 101 (Fed. Cir. 1983).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made that the system of Garback ('499) could be adapted to transporting cargo.

As per Claim 29.

Garback ('499) further discloses applying a transportation rules, see column 1, lines 52-58.

As per Claim 31.

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Garback ('499) further discloses identifying each of the plurality of transportation options by arrival time, see column 1, lines 52-58.

As per Claim 32.

Garback ('499) discloses:

identifying at least a first airport, the first airport being within a first threshold measurement of the activity location, see figure 5 (LAX, DTW) and column 6, lines 17-40;

identifying at least a first departing flight associated with the first airport, the identified flight associated with a flight arrival time and a first departing flight being at least between the origin location and the first airport, figure 5 (LAX, DTW) and column 6, lines 17-40

wherein the flight arrival time of the at least first identified departing flight is prior to the activity start time, see figure 5 (Arriving) and column 6, lines 17-40.

Garback ('499) does not specifically disclose the venue file including an activity location and an activity time.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, see figure 1C (167) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include location and time as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 35.

Garback ('499) discloses:

receiving an activity indicator and a venue file containing data related to the activity, see figure 3 (73 and 77) and column 5, line 63 - column 6, line 30;

developing a proposed transportation plan corresponding to the received plurality of transportation parameters, see column 3, lines 34-52;

transmitting at least an indication of the proposed transportation plan, see figure 4 and column 7, lines 15-19;

receiving an indication of approval of the proposed transportation plan, see figure 4 (is all the above information correct (Y/N));

responsive to receiving the indication of approval, arranging transportation according to the transportation plan, see column 7, lines 21-26.

4. Claims 2-11, 13-26, 30, 33-34, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garback (5,237,499) in view of DeLorme et al (5,948,040) further in view of deMarcken et al (6,275,808).

As per Claim 2, 13.

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Garback ('499) further discloses shopping for flights, but does not specifically disclose the step of identifying the first airport includes the step of identifying a plurality of airports and

the step of identifying the first departing flight includes the step of identifying a plurality of flights associated with each of the plurality of airports.

deMarcken et al ('808) teaches a display of multiple airports and a plurality of flights associated with the airports, see figure 21 and 27 and column 59, lines 40-65 for the benefit of allowing a choice of pricing solutions in a travel planning system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display multiple airports and their associated flights as taught by deMarcken et al ('808) for the benefit of allowing a choice of pricing solutions in a travel planning system.

As per Claim 3, 14.

Garback ('499) further discloses shopping for flights, but does not specifically disclose the flights are associated with a characteristic data item.

the step of comparing the characteristic data item for each of the identified plurality of flights with a flight preference and

the step of ranking each of the flights according the flight preference.

deMarcken et al ('808) teaches a display of multiple airports and a plurality of flights associated with the airports ranked by price, see figure 21 and 27 and column 4, lines 25-55 for the benefit of allowing a choice of pricing solutions in a travel planning system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display multiple airports and their associated flights as taught by deMarcken et al ('808) for the benefit of allowing a choice of pricing solutions in a travel planning system.

As per Claim 4, 15.

Garback ('499) discloses checking for flights against a flight price maximum, see column 5, lines 41-56.

As per Claim 5, 16.

Garback ('499) does not specifically disclose calculating travel time between the airport and the activity location;

determining the activity location arrival time, the arrival time indicating the summation of the flight arrival time and the calculated travel time;

wherein the determined activity location arrival time is prior to or equivalent to the activity start time.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, travel time calculation, and arrival time display, see figure 1B-2 for the benefit of providing detail for an itinerary planner within a geographic location system.



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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to calculate and display travel and arrival times as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 6, 17, 33.

Garback ('499) does not specifically disclose calculating travel time between the airport and the activity location;

determining an earliest flight arrival time, the arrival time representing the result of subtracting the calculated ground travel time from the activity start time;

wherein the arrival time of the first flight is prior to or simultaneous with the determined earliest flight arrival time.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, travel time calculation, and arrival time display, see figure 1B-2 for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to calculate and display travel and arrival times as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 7, 18, 34.

Garback ('499) does not specifically disclose receiving an activity stop time indicator indicating a stop time for the activity;

identify at least a first returning flight associated with a flight departure time and being at least between the first airport and the origin location;

wherein the flight departure time of the identified returning flight is subsequent to the stop time of the activity.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, travel time calculation, and arrival time display, see figure 1B-2 and activity stop time, see figure 7B (car club meeting) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to calculate and display travel and arrival times as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 8, 19.

Garback ('499) further discloses the determination of a need for a hotel, checking availability and booking a hotel, see figure 2C, but does not specifically disclose determining if the flight arrival time of the identified first departing flight is on a first day and if the flight departure time of the identified returning flight is on a second day;

responsive to determining that the flight arrival time of the identified first departing flight is on the first day and that the flight departure time of the identified

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returning flight is on the second day, identifying a plurality of lodging locations within a lodging threshold distance of one of the first airport and the activity location.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, travel time calculation, and arrival time display, see figure 1B-2 for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to calculate and display travel and arrival times as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 9, 20.

Garback ('499) further discloses booking a hotel, see figure 2C.

As per Claim 10, 21.

Garback ('499) further discloses a venue file, see figure 1 (14) which contains information about the activity, but does not specifically disclose an address.

DeLorme et al ('040) teaches an itinerary planning tool which contains the address of activity locations, see figures 1C (167) and 5D (593) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include addresses of the venues as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 11, 22.

Garback ('499) further discloses a venue file, see figure 1 (14) which contains information about the activity, but does not specifically disclose a temporal data.

DeLorme et al ('040) teaches an itinerary planning tool which allows for the entry of activity locations and times, travel time calculation, and arrival time display, see figures 1B-2 and 1C (167) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display airports within a temporal threshold of the activity location as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 23, 30.

Garback ('499) further discloses a network, see column 5, lines 1-20;  
a remote device connected to the network, see column 5, lines 1-20.

As per Claim 24.

Garback ('499) does not specifically disclose the remote device is wireless.

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DeLorme et al ('040) teaches a wireless device a part of an itinerary planning tool, see figure 9B (905, 907) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use a wireless device as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

As per Claim 25.

Garback ('499) further discloses the transportation destination is one of an airport, a bus station or a train station, and a shipping terminal, see figure 5 (ILAX, DTW).

As per Claim 26.

Garback ('499) further discloses the transportation option is an airline option is an airline option, see figure 5 (flight1, flight2).

As per Claim 36.

Garback ('499) does not specifically disclose the remote device is a Personal Information Manager.

DeLorme et al ('040) teaches a wireless device a part of an itinerary planning tool, see figure 9B (907) for the benefit of providing detail for an itinerary planner within a geographic location system.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use a wireless device as taught by DeLorme et al ('040) in the invention of Garback ('499) for the benefit of providing detail for an itinerary planner within a geographic location system.

### ***Prior Art Made of Record***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WO 99/01822 is the closest foreign art which teaches a transportation reservation system.

Ellis "Planning a trip? Let your PC do the legwork" is the closest non-patent literature which teaches a fare-finder feature which finds flights below a maximum cost.

Expedia and Travelocity are websites which perform travel planning, but do not disclose all the limitations of the claims.

UPS website performs shipping, now available for Palm wireless devices.

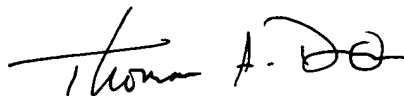
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Thomas A. Dixon', with a stylized flourish at the end.

Thomas A. Dixon  
Examiner  
Art Unit 3629

November 21, 2002